



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/701,991	07/16/2001	Maximilian Schneider	KKFIP008	1404

7590 06/15/2005

Hickman Coleman & Hughes
PO Box 52037
Palo Alto, CA 94306

EXAMINER

TOOMER, CEPHIA D

ART UNIT	PAPER NUMBER
----------	--------------

1714

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED
OIP/IA/P

JUL 12 2005

Office Action Summary

Application No.

09/701,991

Applicant(s)

SCHNEIDER, MAXIMILIAN

Examiner

Cephia D. Toomer

Art Unit

1714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

188

DETAILED ACTION

Specification

1. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is rejected because the language "especially for books of matches", recite what is being claimed.

Claim 3 is rejected because the language "in particular nearly" is indefinite. Nearly is a relative term that does have a comparative example.

Claims 4 and 15 are rejected the language "slightly" is a relative term that does not have a comparative example.

Claims 5, 8, 11 and 16 are indefinite because the term "preferably" does not set forth what is specifically being claimed.

Claim 13 is rejected because the terms "in particular" and "preferably" are indefinite. These terms do not clearly set forth what is being claimed.

Claim 18 is rejected because the term "especially" does not clearly set forth the claimed invention.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Metzger (US 2,436,049).

Metzger teaches cardboard matches and a method of producing these matches (see col. 1, lines 1-17). Metzger takes a rectangular or oblong shaped piece of cardboard and cuts the board to provide head portions of the matches and with the same being sheared from each end to a point near the center of the cardboard and providing separable portions of which the matches are formed. Characters are printed on the matches such that the bases of the characters are preferably adjacent the center of the sheet such that the characters of one face will be opposite the characters of the oppositely opposed face when the sheet is folded on its centerline. The ends of the matches are dipped or otherwise coated with the usual combustible composition (see col. 2, lines 25-55; col. 3, lines 1-12 and drawings). Metzger teaches that his matches are not limited to a specific shape nor are they limited to the disclosed characters (see col. 4, lines 3-8). The matches are bound together in a matchbook (see col. 2, lines 25-

Art Unit: 1714

35). Metzger teaches the limitations of the claims other than the differences that are discussed below.

In the first aspect, Metzger differs from the claims in that he does not specifically teach that the section of the first piece of cardboard in the zone of the first transversal side is printed from behind and the section in the zone of the second transversal side is printed from the front. However, no unobviousness is seen in this difference because a mere arrangement of printed matter, though seemingly See *In re Miller*, 164 USPQ 46 (CCPA 1969). Furthermore, nonfunctional descriptive material cannot render obvious an invention that would have otherwise been obvious, i.e., when descriptive material is not functionally related to the substrate, the descriptive material will not distinguish the invention from the prior art in terms of patentability.

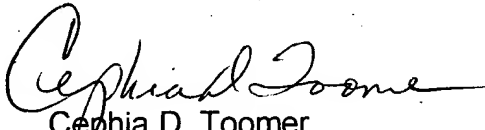
In second aspect, Metzger differs from the claims in that he does not specifically teach that the heads of the matches are colored. However, this is merely a design choice and imparts no patentability to the match.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cephia D. Toomer whose telephone number is 571-272-1126. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 571-272-1119. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1714

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Cephia D. Toomer
Primary Examiner
Art Unit 1714

09701991\061305

Notice of References Cited	Application/Control No. 09/701,991	Applicant(s)/Patent Under Reexamination SCHNEIDER, MAXIMILIAN	
	Examiner Cephia D. Toomer	Art Unit 1714	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-2,436,049	02-1948	METZGER MELVIN R	44/509
	B	US-3,185,552	05-1965	BERRY R.N.	44/507
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Organization

TC1700

Bldg./Room

REM

U. S. DEPARTMENT OF COMMERCE

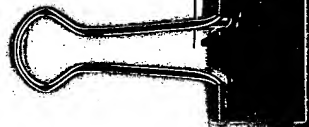
COMMISSIONER FOR PATENTS

P.O. BOX 1450

ALEXANDRIA, VA 22313-1450

IF UNDELIVERABLE RETURN IN TEN DAYS

OFFICIAL BUSINESS



AN EQUAL OPPORTUNITY EMPLOYER



02 1A
000420506
MAILED FRO



6C200

